

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 872

Introduced by Vrtiska, 1; Hudkins, 21; Raikes, 25

Read first time January 20, 1999

Committee: Judiciary

A BILL

- 1 FOR AN ACT relating to court procedure; to amend sections 25-2303
- 2 to 25-2307, Reissue Revised Statutes of Nebraska; to
- 3 change in forma pauperis payment provisions in certain
- 4 cases; and to repeal the original sections.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 25-2303, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 25-2303. In any civil or criminal case the court shall,
4 upon filing of a like affidavit, direct that the expense of process
5 by publication, if such process is required by the court, be paid
6 by the county in the same manner as other claims are paid, except
7 that if the case is filed against the State of Nebraska or its
8 officials or employees as a result of or in connection with the
9 policies, procedures, practices, or actions of the state or its
10 officials or employees in the operation or administration of a
11 state institution or facility, such expense shall be paid by the
12 state in the same manner as other claims are paid.

13 Sec. 2. Section 25-2304, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 25-2304. In any civil or criminal case the court may,
16 upon the filing of a like affidavit, order witnesses to be
17 subpoenaed, if the court finds that they have evidence material and
18 necessary to the case, and that they are within the judicial
19 district in which the court is held, or within one hundred miles of
20 the place of trial. In such case the process and the fees of the
21 witnesses shall be paid by the county in the same manner as other
22 claims are paid, except that if the case is filed against the State
23 of Nebraska or its officials or employees as a result of or in
24 connection with the policies, procedures, practices, or actions of
25 the state or its officials or employees in the operation or
26 administration of a state institution or facility, such expense
27 shall be paid by the state in the same manner as other claims are
28 paid.

1 Sec. 3. Section 25-2305, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 25-2305. In civil or criminal cases the court shall,
4 upon filing of a like affidavit, direct that the expenses of
5 printing the record on appeal, if such printing is required by the
6 appellate court, be paid by the county in the same manner as other
7 claims are paid, except that if the case is filed against the State
8 of Nebraska or its officials or employees as a result of or in
9 connection with the policies, procedures, practices, or actions of
10 the state or its officials or employees in the operation or
11 administration of a state institution or facility, such expense
12 shall be paid by the state in the same manner as other claims are
13 paid.

14 Sec. 4. Section 25-2306, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 25-2306. In any civil or criminal case the court shall,
17 upon filing of a like affidavit, order transcripts to be furnished
18 without cost if the suit or appeal is not frivolous, but presents a
19 substantial question, and if the transcript is needed to prepare,
20 present, or decide the issue presented by the suit or appeal. Such
21 costs shall be paid by the county in the same manner as other
22 claims are paid, except that if the case is filed against the State
23 of Nebraska or its officials or employees as a result of or in
24 connection with the policies, procedures, practices, or actions of
25 the state or its officials or employees in the operation or
26 administration of a state institution or facility, such expense
27 shall be paid by the state in the same manner as other claims are
28 paid.

1 Sec. 5. Section 25-2307, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 25-2307. In any civil or criminal case on appeal, upon
4 the filing of a like affidavit, the court shall direct that the
5 expense of printing of the appellate briefs, if such printing is
6 required by the court, be paid by the county in the same manner as
7 other claims are paid, except that if the case was filed against
8 the State of Nebraska or its officials or employees as a result of
9 or in connection with the policies, procedures, practices, or
10 actions of the state or its officials or employees in the operation
11 or administration of a state institution or facility, such expense
12 shall be paid by the state in the same manner as other claims are
13 paid.

14 Sec. 6. Original sections 25-2303 to 25-2307, Reissue
15 Revised Statutes of Nebraska, are repealed.